

Senate File 40 - Enrolled

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1 1 SENATE FILE 40
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1 3 AN ACT
1 4 RELATING TO THE REGULATION OF ETHICAL CONDUCT BY GOVERNMENTAL
1 5 ENTITIES.
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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 9 Section 1. Section 68B.3, Code 2007, is amended to read as
1 10 follows:
1 11 68B.3 WHEN PUBLIC BIDS REQUIRED == DISCLOSURE OF INCOME
1 12 FROM OTHER SALES.
1 13 1. An official, a state employee, a member of the general
1 14 assembly, or a legislative employee shall not sell, in any one
1 15 occurrence, any goods or services having a value in excess of
1 16 two thousand dollars to any state agency unless the sale is
1 17 made pursuant to an award or contract let after public notice
1 18 and competitive bidding.
1 19 2. ~~This subsection shall~~ section does not apply to the
1 20 publication of resolutions, advertisements, or other legal
1 21 propositions or notices in newspapers designated pursuant to
1 22 law for the publication of legal propositions or notices and
1 23 for which rates are fixed pursuant to law. ~~This subsection~~
~~1 24 shall also not apply to sales of services by persons subject~~
~~1 25 to the requirements of this section to state executive branch~~
~~1 26 agencies or subunits of departments or independent agencies as~~
~~1 27 defined under section 7E.4 that are not the subunit of the~~
~~1 28 department or independent agency in which the person serves or~~
~~1 29 is employed or are not a subunit of a department or~~
~~1 30 independent agency with which the person has substantial and~~
~~1 31 regular contact as part of the person's duties.~~
1 32 For purposes of this section, "services" does not include
1 33 instruction at an accredited education institution if the
1 34 person providing the instruction meets the minimum education
1 35 and licensing requirements established for instructors at the
~~2 1 education institution.~~
2 2 2. 3. An official or member of the general assembly who
2 3 sells goods or services to a political subdivision of the
2 4 state shall disclose whether income has been received from
2 5 commissions from the sales in the manner provided under
2 6 section 68B.35.
2 7 4. For purposes of this section, "services" does not
2 8 include instruction at an accredited education institution if
2 9 the person providing the instruction meets the minimum
2 10 education and licensing requirements established for
2 11 instructors at the education institution.
2 12 Sec. 2. Section 68B.22, subsection 3, Code 2007, is
2 13 amended to read as follows:
2 14 3. A restricted donor may give, and a public official,
2 15 public employee, or candidate, or the person's immediate
2 16 family member, may accept an otherwise prohibited nonmonetary
2 17 gift or a series of otherwise prohibited nonmonetary gifts and
2 18 not be in violation of this section if the nonmonetary gift or
2 19 series of nonmonetary gifts is donated within thirty days to a
2 20 public body, the department of administrative services, or a
2 21 bona fide educational or charitable organization, if no part
2 22 of the net earnings of the educational or charitable
2 23 organization inures to the benefit of any private stockholder
2 24 or other individual. All such items donated to the department
2 25 of administrative services shall be disposed of by assignment
2 26 to state agencies for official use or by public sale. A
2 27 person subject to section 8.7 that receives a gift pursuant to
2 28 this subsection shall file a report pursuant to section 8.7.
2 29 Sec. 3. Section 68B.32A, subsection 6, Code 2007, is
2 30 amended to read as follows:
2 31 6. Assure that the statements and reports which have been
2 32 filed in accordance with this chapter, chapter 68A, and
2 33 section 8.7 are available for public inspection and copying
2 34 during the regular office hours of the office in which they
2 35 are filed and not later than by the end of the day during
3 1 which a report or statement was received. Rules adopted
3 2 relating to public inspection and copying of statements and
3 3 reports may include a charge for any copying and mailing of

3 4 the reports and statements, shall provide for the mailing of
3 5 copies upon the request of any person and upon prior receipt
3 6 of payment of the costs by the board, and shall prohibit the
3 7 use of the information copied from reports and statements ~~for~~
~~3 8 soliciting contributions or for any commercial purpose by any~~
3 9 person ~~other than statutory political committees.~~

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JOHN P. KIBBIE
President of the Senate

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PATRICK J. MURPHY
Speaker of the House

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3 21 I hereby certify that this bill originated in the Senate and
3 22 is known as Senate File 40, Eighty-second General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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3 28 Approved _____, 2007

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CHESTER J. CULVER
3 33 Governor